

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X SECURITIES AND EXCHANGE COMMISSION, - against - FABRICE TOURRE, Defendant.	: Civil Action No. 10 Civ. 3229 : (KBF) : ECF Case : DECLARATION OF : <u>KEITH GORMAN</u> ----- X
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I, Keith Gorman, declare under the penalty of perjury as follows:

1. I submit this declaration in support of my motion to quash the subpoena served on me by counsel for defendant Fabrice Tourre to appear and testify at trial of this action beginning on July 15, 2013 (the “Subpoena”).
2. I am a former employee of non-party ACA Capital, Inc. (“ACA”).
3. I have already testified twice under oath in connection with the above action. On May 10, 2011, I testified in this action in a deposition noticed by the defendant, during which I was questioned by both counsel for the defendant and by counsel for the SEC. In addition, on May 12, 2009, I was deposed by the United States Securities and Exchange Commission in what I understand to have been the investigation that preceded this action.
4. In November 2012, my prior counsel accepted service of the Subpoena, a copy of which is attached hereto as Exhibit A. At that time, I resided in New York City, New York. I am a national of the United States.
5. I currently reside and work in the United Kingdom. On February 11, 2013, I began a two-year secondment with DBRS Ratings Limited in London. As of the trial date, July 15, 2013, I will continue to reside and work in the United Kingdom.

6. I do not regularly transact business in person in New York. Travelling to New York to be available to appear and testify at trial in this action would involve considerable expense, including plane fare and lodging, and also would require me to take time off from work.

7. I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 17, 2013.


KEITH GORMAN